

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

VS.

Juan Ramon Hernandez-Fuentes,
Defendant.

CR 09-01751-001-TUC-CKJ(HCE)

**MAGISTRATE JUDGE FINDINGS AND
RECOMMENDATION UPON
ADMISSION(S)**

Upon Defendant's request to enter admission(s) of guilt to the allegation(s) that he/she violated the conditions of supervised release this matter was referred to the Magistrate Judge by the District Court, with the written consent of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, in open court and on the record, the matter came on for hearing on Defendant's admission(s) to the allegation(s) in the Petition to Revoke before the Magistrate Judge.

In consideration of that hearing and the admission made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney,

(A) I FIND as follows:

- (1) that Defendant is competent to admit the violation(s);
- (2) that Defendant understands the nature of the allegation(s) against him/her;
- (3) that Defendant understands his/her right to an evidentiary hearing and has knowingly, intelligently and voluntarily waived his/her right to that hearing;

- 1 (4) that Defendant understands the sentencing options the Court may impose as
2 a result of his/her admission(s);
- 3 (5) that Defendant has admitted the following allegation(s) A; further, and it is
4 agreed that remaining allegations, if applicable, in the petition will be
5 dismissed at disposition; and
- 6 (6) that there is a factual basis for the Defendant's admission(s);
- 7 (7) that the admission(s) by the Defendant has/have been knowingly, intelligently
8 and voluntarily made and is/are not the result of force or threats or of promises
9 apart from the agreement between the parties;
- 10 (8) **AGREEMENT:**
- 11 ☐ There is no written agreement;
- 12 ☒ Written agreement submitted and Defendant waives his/her right to appeal
13 the judgment and disposition of the supervised release;
- 14 ☐ Oral agreement of parties;
- 15 (9) **SENTENCE:**
- 16 ☐ The parties agree that the Defendant will be sentenced to : ____ months of
17 incarceration;
- 18 ☒ that the government will recommend a period of incarceration not to
19 exceed the middle of the applicable guideline range under U.S.S.G § 7B1.4(a)
20 (Revocation Table), and not below the minimum of that range, i.e. 8-14
21 months incarceration;
- 22 ☐ Other, specifically:
- 23 (10) **SUPERVISED RELEASE/ADDITIONAL CONDITIONS:**
- 24 ☐ An additional term of ____ months supervised release;
- 25 ☒ An additional term of supervised release to be determined by the court;
- 26 ☐ No additional term of supervised release
- 27 ☐ Additional Conditions:
- 28 (11) **CONSECUTIVE/CONCURRENT:**

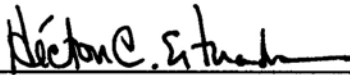
☒ There is no agreement regarding consecutive or concurrent sentences (or the issue is not applicable in this case);

☐ The government agrees that it will not take a position regarding this issue.

(B) I RECOMMEND that the District Court accept the Defendant's admission(s).

Copies to go to: Cory Picton, Rafael Malanga

DATED this 11th day of June, 2012.



Héctor C. Estrada
United States Magistrate Judge